

# Calendar No. 1108

91ST CONGRESS }  
2d Session }

SENATE

{ REPORT  
No. 91-1097

## REYNALDO CANLAS BAECHER

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AUGUST 12 (legislative day, AUGUST 11), 1970.—Ordered to be printed

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Mr. EASTLAND, from the Committee on the Judiciary,  
submitted the following

### REPORT

[To accompany S. 3796]

The Committee on the Judiciary, to which was referred the bill (S. 3796) for the relief of Reynaldo Canlas Baecher, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

#### PURPOSE OF THE BILL

The purpose of the bill is to enable the beneficiary to qualify for first-preference status as the unmarried son of a citizen of the United States.

#### STATEMENT OF FACTS

The beneficiary of the bill is a 21-year-old native and citizen of the Philippines who was adopted in Florida on January 27, 1969, by a U.S. citizen. They reside in Orlando, Fla. The beneficiary was honorably discharged from the U.S. Navy on April 5, 1968, after 10 months service for humanitarian reasons. He last entered the United States as a visitor on May 7, 1968.

A letter, with attached memorandum, dated July 15, 1970, to the chairman of the Senate Committee on the Judiciary from the Commissioner of Immigration and Naturalization with reference to the bill reads as follows:

(1)

UNITED STATES DEPARTMENT OF JUSTICE,  
IMMIGRATION AND NATURALIZATION SERVICE,  
Washington, D.C., July 15, 1970.

A 18235997

Hon. JAMES O. EASTLAND,  
*Chairman, Committee on the Judiciary,*  
*U.S. Senate, Washington, D.C.*

DEAR SENATOR: In response to your request for a report relative to the bill (S. 3796) for the relief of Reynaldo Canlas Baecher, there is attached a memorandum of information concerning the beneficiary, and the interested party.

The bill is intended to confer first-preference classification in the issuance of an immigrant visa upon a 21-year-old adopted son of a citizen of the United States. The bill provides further that the natural parent, brother or sister of the beneficiary, by virtue of such relationship, shall not be accorded any right, privilege, or status under the Immigration and Nationality Act.

Absent enactment of the bill, the beneficiary, a native of the Philippines, would be chargeable to the nonpreference portion of the numerical limitations for immigrants and conditional entrants from countries in the Eastern Hemisphere.

Sincerely,

RAYMOND F. FARRELL,  
*Commissioner.*

Enclosure.

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND  
NATURALIZATION SERVICE FILES RE S. 3796

The beneficiary, Reynaldo Canlas Baecher, a native and citizen of the Philippines, was born February 16, 1949. His parents, a sister, and a brother, natives and citizens of the Philippines, reside in the Philippines. The beneficiary has never been married. He obtained the equivalent of a high school education in his native country. He is employed as a clerk at a weekly salary of \$100 by the Southern Mobile Home Supply, Inc., Orlando, Fla. This company is owned by the interested party, Donald L. Baecher, who adopted the beneficiary in the Circuit Court of the Ninth Judicial Circuit in Orange County, Fla., January 27, 1969. The court authorized the beneficiary's name changed to Baecher.

The beneficiary received an honorable discharge from the U.S. Navy, April 5, 1968, after 10 months service. The discharge was for humanitarian reasons as the beneficiary's father was suffering from tuberculosis and was unable to support his family. During his Navy service, the beneficiary was admitted to the United States as a visitor for pleasure four times for short periods. He was last admitted to the United States from the Bahamas on May 7, 1968, as a nonimmigrant visitor until June 7, 1968. Extensions of stay were authorized until June 7, 1969. The interested party filed a petition to accord the beneficiary sixth-preference classification in the

issuance of an immigrant visa on March 13, 1969. The petition was approved on April 30, 1969, valid to September 3, 1969. However, the latest information indicates that a number under this preference is unavailable at this time. Deportation proceedings were instituted against the beneficiary April 10, 1970 on the charge that he remained in the United States for a longer period than permitted. He was accorded a hearing before a special inquiry officer on June 11, 1970, and was granted the privilege of voluntary departure with the alternative of deportation if he fails to depart when required.

The interested party, Donald L. Baecher, a native and citizen of the United States, was born November 9, 1920. His father is deceased. His mother and one son, both natives and citizens of the United States, reside with him and the beneficiary in Orlando, Fla. Mr. Baecher completed 2 years of college in Buffalo, N.Y. On February 20, 1943, the interested party married Marion McMaster Powis, a native of Canada, and a citizen of the United States in Buffalo. She was born August 21, 1921. This marriage was terminated by divorce in January 1968 in Pensacola, Fla. Two children were born in Toronto, Ontario of this marriage; Dianne Florence, December 12, 1945, and Ronald W., December 4, 1946, and are citizens of the United States. The daughter is now married and resides in Pensacola, Fla. In addition to their own children, the Baechers adopted Lori J., an American Indian, born March 4, 1955 at Salamanca, N.Y., when she was 18 months of age in 1957 at Mayville, N.Y., and twin boys, James E. and John D., born January 27, 1959 at St. Petersburg, Fla. in 1962 in Pensacola, Fla. These adoptive children reside with Mrs. Baecher in Pensacola.

The interested party owns and manages Southern Mobile Homes, Orlando, Fla. and Southern Mobile Homes, Pensacola, Fla. with a combined annual income between \$60,000 and \$70,000. His assets, consisting of real and personal property, total in excess of \$250,000.

The interested party states he met the beneficiary at the YMCA in Miami, through a mutual friend, and was favorably impressed.

Senator Spessard L. Holland, the author of the bill, has submitted the following information in connection with the case:

WALTERS, MOORE & COSTANZO,  
ATTORNEYS AT LAW,  
*Miami, Fla., March 10, 1970.*

HON. SPESSARD L. HOLLAND,  
*Senate Office Building,  
Washington, D.C.*

DEAR SENATOR: I am writing this in the interest of Mr. Donald Baecher. Mr. Baecher is a highly responsible citizen of this State and a respected businessman. It has been his position in life to help persons less fortunate than himself, particularly young people.

In the past he has been motivated to care for some of the less fortunate by having adopted young people as his children. One such adoption was the adoption of an American Indian girl then 18 months of age in Mayville, Chautauqua County, N.Y. This adoption took place in September 1956, a copy of which is attached hereto. He has also adopted John Edwin and James Donald, twins, apparently white male children, who were then in the custody of the Children's Home Society of Florida, both born in Largo, Fla., January 26, 1959, a copy of which decree is attached hereto. In addition to the adopted children Mr. Baecher had two natural children, a daughter, Dianne who was born in 1945, and a son, Ronald who was born in 1946.

He became interested in the welfare of a young Filipino lad, Reynaldo Arabejo Canlas, who was born in the Philippine Islands on February 14, 1949. At the time that they met Mr. Baecher was living in Miami, Fla., and the young man was a member of the U.S. Navy by recruitment in the Philippines in June of 1967. The lad's family in the Philippines was in dire financial circumstances and Mr. Baecher interceded in his behalf with financial assistance. Eventually, the alien was discharged from the Navy with an honorable discharge, a photocopy of which discharge is attached hereto.

By this time Mr. Baecher's natural paternal instincts had reached the point that in addition to trying to help him remain in this country he began to look upon him as a son. Although he had been advised that the adoption would be of no help with the Immigration Service, based upon his affection for the young man and the place the young man had made in the hearts of Mr. Baecher and his aging mother, he proceeded to adopt him in conformity with the practice he had established in other cases referred to in the preceding portions of this letter. A copy of the adoption which took place on January 27, 1969, while the alien was still a minor, is attached hereto. This action took place in the Circuit Court of the 9th Judicial Circuit, Orange County, Fla.

I am attaching a photograph of the young man and various letters of character reference that support the contention that in the light of his past military service, which unfortunately does not give him any legal basis for residence in the United States, and in the light of his being the adopted son of a U.S. citizen that this is a case which merits the introduction of a private bill for the relief of the alien.

It seems that Mr. Maecher and his mother have become very dependent upon him and that he has been a worthy son of Mr. Baecher. Unfortunately, due to the situation of the Philippine quota there is no immediate available administrative remedy for the favorable advancement of his Immigration status.

I am sure that you feel this is a worthy case and would like to suggest a private bill for consideration by the subcommittee.

Thank you very much for your kind consideration of this matter.

Sincerely,

DAVID W. WALTERS

Enclosures.



IN THE CIRCUIT COURT OF THE FIRST JUDICIAL CIRCUIT OF THE STATE OF  
FLORIDA, IN AND FOR ESCAMBIA COUNTY

In the Matter of the Adoption of James Donald Baecher and John  
Edwin Baecher, minor male white children

FINAL DECREE

This matter coming on to be heard on Petition for Adoption and Answer of The State of Florida Department of Public Welfare and Recommendations for Adoption and Consent of The Children's Home Society of Florida, a duly license child placing agency, and testimony haveing been taken before the Court and the Court having considered the matter, it is, therefore,

*Ordered, Adjudged and Decreed as follows:*

1. That the minor white male children involved in this cause, John Edwin Baecher and James Donald Baecher, were heretofore permanently committed to the care and custody of The Children's Home Society of Florida, which is a duly licensed child placing agency, and thereafter, said child placing agency placed said children in the custody of the Petitioners in whose home said children have lived for in excess of 90 days; and that said child placing agency has consented in writing to the adoption of said children and has filed its Recommendations for Adoption of the said children in this cause.

2. That James Donald Baecher and John Edwin Baecher, minor male white children, each of whom was born at Largo, Florida, on January 26, 1959, is each suitable for adoption by Petitioners, Donald Leslie Baecher and Marion Kerr McMaster Baecher, whom the Court hereby adjudges to be fit and proper persons to adopt said children, and this Court adjudges that the best interests of said children will be promoted by said adoption; and it is further ordered and adjudged that the name of James Donald Baecher be and the same is hereby changed to Edwin James Baecher, and that the name of the said John Edwin Baecher be and it is hereby changed to Donald John Baecher, and said children shall hereafter be known by said names.

3. That Petitioners and the said children are hereby given all of the rights and privileges contemplated by reason of this adoption.

Done and Ordered at Pensacola, Florida, this 2d day of April 1963.

(s) KIRKE M. BEALL,  
*Judge Pro Hac Vice.*

A true copy of the original on file in the clerk's office. Witness my hand and official seal this May 12, 1969.

J. A. FLOWERS,  
*Clerk Circuit Court.*

In re:

Adoption of Reynaldo Arabejo Canlas, a minor,  
By Donald L. Baecher, Petitioner.

### Final Judgment of Adoption

This cause coming on to be heard before me for Final Judgment of Adoption; and it appearing to the Court that the consent of the natural parents of said adoptee was executed and filed in this cause, said natural parents being Filipino nationals, and said consent having been obtained on or about the 26th day of August, 1968; that the State Department of Public Welfare has filed its recommendations in this cause, recommending that permanent custody of the child known as Reynaldo Arabejo Canlas be given to the petitioner; and that notice of hearing on Final Judgment of Adoption has been duly sent to the State Department of Public Welfare; and the Court having heard testimony and being otherwise fully advised in the premises, finds:

That the petitioner, Donald L. Baecher, is a fit and proper person to adopt the minor child named in the petition, and that the best interests of the said child will be promoted by such adoption; that said child is suitable for adoption by the said petitioner; and that said minor child, over the age of twelve (12) years, has consented to said adoption; it is thereupon upon consideration thereof,

#### *Ordered and adjudged:*

1. That permanent custody of the minor child known as Reynaldo Arabejo Canlas in these proceedings and now in the custody of the petitioner herein be and the same is hereby given to Donald L. Baecher.

2. That said child be given the lawful name of and shall hereafter be known as Reynaldo Canlas Baecher.

3. That said child is hereby and hereafter the legal child and lawful heir of Donald L. Baecher, and the said child shall be subject to all of the obligations and entitled to all of the rights and privileges of children born to the adopting parent or parents in lawful wedlock, all of which is

*Done and ordered* in Chambers at Orlando, Orange County, Florida, this 27th day of January, 1969.

(s) MURRAY W. OVERSTEIN,  
*Circuit Judge.*

STATE OF FLORIDA,  
*County of Dade, ss:*

Personally appeared before me this day, the undersigned authority, Donald L. Baecher, to me well known, who being by me first duly sworn deposes and says as follows:

I am Donald L. Baecher, age 48 and presently reside at 856 Park Lake Court, Orlando, Florida. On or about September of 1956, my wife, then known as Marion Baecher, and I, Donald L. Baecher, adopted an infant, American-Indian girl, by the name of Lori Jeanne then 18 months of age, in the Town of Mayville, County of Chautauqua, State of New York, and on or about September of 1956, the Judge's or Surrogate's or Children's Court in said county and said state, entered an order approving adoption of said infant child by said

foster parents. At said time and place the foster parents were represented by attorney George P. Rogers, The Portage Building, Mayville, New York. Affiant has been requested by his counsel, Walters, Moore & Costanzo, in connection with pending naturalization proceedings, to obtain documentary evidence of said adoption of said American-Indian infant. Under New York law, all papers pertaining to said adoption are required to be sealed and kept from inspection. Access to said records may only be obtained in the State of New York by the entry of an order by the Court making said order of adoption, or by a justice of the Supreme Court of the State of New York. The fact that affiant is now a resident of the State of Florida and that time of furnishing the requested documentary information relatively to adoption is of the essence, makes it difficult and inexpedient to obtain a certified copy of said order of said adoption, but affiant affirms that said order of said adoption was duly entered as hereinbefore set forth, and the fact of said adoption is further attested by the Birth Certificate of said adopted child, obtained from the Bureau of Vital Statistics of the State of New York, copy of which is attached hereto and made a part of this Affidavit.

DONALD L. BAECHER.

Sworn to and subscribed before me this 21st day of July, 1969.

ARNOLD A. ROSS,  
*Notary Public.*

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STATE OF NEW YORK, DEPARTMENT OF HEALTH.  
Certificate No. 28448.

This is to certify that Lori Jeanne Baecher, sex Female, was born on March 1, 1955, in the City of Salamanca, County of Cattaraugus, New York, so shown by the duly registered original certificate of birth of said person filed in the local registration district on March 4, 1955, and in this Department on April 14, 1955.

[SEAL] J. V. DePORTE,  
*Director.*

Dated at Albany, N.Y., April 15, 1957.

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ORLANDO JUNIOR COLLEGE,  
*Orlando, Fla.*

*To Whom It May Concern:*

This is to certify that I am personally acquainted with Mr. Reynaldo Canlas Baecher, adopted son of Mr. Donald Baecher, of Orlando. I have met him socially and have been impressed with his industriousness and his desire to work and give sacrificially to the support of relatives in the Philippines. To the best of my knowledge he has an excellent reputation throughout the community and his character is unquestioned. Mr. Baecher has told me what an excellent worker he is and how well he has progressed in his fluency in the English language, thus improving the effectiveness with which he

works in Mr. Baecher's business. I find such dedication to duty and desire to learn in order to better himself most commendable.

JOHN P. CUMMER,  
*President.*

MAY 15, 1969.

*To Whom It May Concern:*

I have been casually acquainted with Reynaldo Canlas for approximately 10 months. I live with my sister, Hazel O. Jacobs, at Orlando, Fla., and Reynaldo resides with Mr. Don Baecher and Mrs. Morrell (Mr. Baecher's mother) at Orlando.

Reynaldo impresses me as being a very pleasant, unassuming young man. He is friendly and most polite. His smile is quick and pleasant, suggesting a sunny disposition. He has beautiful manners and I feel he is basically a kind, gentle, and courteous young man.

I was a guest at the party given during the Christmas holidays in the home and noted Reynaldo behaved like a son of Mr. Baecher. I recall that he took any of us who wished to go on a tour of the house which had been renovated since Mr. Baecher purchased it. He showed us his room and when I commented on a group picture I noticed, he told me with quiet pride it was one of his family and pointed out the various members in the group. He obviously regards his family with affection and I understand he sends them money regularly.

Reynaldo works for Mr. Baecher and at one time Mr. Baecher commented that he is an excellent worker, careful, and conscientious. When he is at home I see him working in the yard and he does this in the manner of someone who is genuinely interested in growing things. He is more a home person than most young people of his age which I believe is 20. My feeling is that as a neighbor, if we needed Reynaldo's help in any way, it would be his pleasure to be of assistance and I would not hesitate to ask him as he seems to be a reliable young man.

MILDRED OVERSTREET.

MAY 12, 1969.

*To Whom It May Concern:*

Approximately 10 months ago Mr. Don Baecher, his mother, Mrs. Morrell, and Reynaldo Canlas moved to Mr. Baecher's newly purchased house in Park Lake Court, Orlando, Fla. My home is located at 847 Park Lake Court and I have had occasion to observe, casually, Reynaldo Canlas.

I understand he is employed by Mr. Baecher and I have only seen him when he has been at home. According to my observations most of his time is spent when at home working with the landscaping of the property and renovations being made by Mr. Baecher. I get an impression he is unusually interested in growing things and is devoted to the care of those plants, shrubs, and the lawn under his supervision.

I have a "waving acquaintance" with him and, although he appears to be retiring by nature, he smiles cheerfully when he greets me, and I have an impression of him being a friendly, dependable, and courteous young man.



During the Christmas holidays the family hosted a delightful party and Reynaldo Canlas was on hand, very polite and attentive to the desires of the guests. He seemed eager to help them enjoy the party in any way possible. He conducted himself like a member of the household and family.

Although I am not well acquainted with this young man, I know of no reason why he should not be allowed American citizenship.

MRS. HAZEL O. JACOBS.

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ORLANDO, FLA., May 12, 1969.

*To Whom It May Concern:*

Reynaldo Canlas, age 20, a native of the Philippine Islands is an applicant for U.S. citizenship. He has been a neighbor of mine for the past several months, during which I have been able to observe him and to form an opinion with respect to his desirability for American citizenship.

Mr. Canlas appears to be intelligent, well-behaved and of pleasing personality. He has made a favorable impression upon the residents of this community.

I believe that if accepted for American citizenship he will prove to be worthy of the honor, and I recommend that naturalization be granted to him.

JACOB W. S. WUEST.

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HALL BROS. GENERAL INSURANCE AGENCY, INC.,  
May 9, 1969.

*To Whom It May Concern:*

I have known Reynaldo C. Baecher for over a year. I have been in his home socially, also in his presence during business transactions and have found him to be most polite, gracious, respectful, and intelligent. I feel he is a credit to our community.

EUNICE GRIMES.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 3796) should be enacted.



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